

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE)	CHAPTER 13
MICHAEL D MITCHELL AND)	CASE NO.: 24-10564-AMC
BETTY J MITCHELL,)	
Debtors)	
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CAPITAL ONE AUTO FINANCE,	)	
A DIVISION OF CAPITAL ONE, N.A.,	)	
Movant	)	
vs.	)	
MICHAEL D MITCHELL AND	)	
BETTY J MITCHELL,	)	
and	)	
SCOTT F. WATERMAN	)	
Trustee	)	

**HEARING DATE:**

Wednesday, September 04, 2024  
11:00 A.M.

**LOCATION:**

900 Market Street, Suite 400  
Courtroom No. 4  
Philadelphia, PA 19107

**MOTION FOR RELIEF FROM AUTOMATIC STAY**

AND NOW, comes the above-captioned Movant, Capital One Auto Finance, a division of Capital One, N.A., by and through their attorney, Regina Cohen, who files this Motion based upon the following:

1. The Movant is a corporation having a principal place of business located at 7933 Preston Road, Plano, TX 75024.
2. The Respondents, Michael D Mitchell and Betty J Mitchell are an individual with a mailing address at 4060 Balwynne Park Road #2F, Philadelphia, PA 19131, who have filed a Petition on February 21, 2024 under Chapter 13 of the Bankruptcy Code.
3. On or about August 19, 2022, Debtor Michael D Mitchell entered into a Retail Installment Sales Contract, involving a loan in the amount of \$24,906.26 for the purchase of a 2013 Ford F-150 Crew Cab Limited EcoBoost 4WD 3.5L V6 Turbo.
4. The vehicle secured by the Contract has V.I.N. 1FTFW1ET6DFA28115.
5. Movant is the assignee of the Contract.

6. The above – described vehicle is encumbered by a lien with a payoff in the amount of \$25,331.52 plus other appropriate charges as of July 28, 2024 but subject to change. The regular monthly payment is \$623.16 at an interest rate of 19.87%.

7. Applying payments received to the earliest payment due, payments have been missed post-petition, since March 18, 2024 in the amount of \$3,115.80, plus all applicable late charges, interest, attorneys' fees and costs plus Pre-Petition Payments of \$1,869.48.

8. The Property has a N.A.D.A. Value of \$20,850.00.

9. The vehicle is not necessary to an effective reorganization.

10. The Movant is the only lienholder of record with regard to the vehicle.

11. Failure to make adequate protection payments is cause for relief from the automatic stay.

12. The Movant has incurred attorney's fees in the filing of this Motion.

13. The vehicle is a rapidly depreciating asset. Movant requests the waiver of Rule 4001(a)(3).

WHEREFORE, Movant prays for your Honorable Court to enter an Order permitting the Movant to proceed with the repossession proceedings of the aforementioned vehicle.

Respectfully submitted,  
Lavin, Cedrone, Graver, Boyd & DiSipio

/s/ Regina Cohen  
Regina Cohen  
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